

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (No. IV)

Consolidated Under  
MDL DOCKET NO. 875

BENJAMIN HILL CARTER, JR.

E.D. PA Civil Action No.  
09-cv-74351\*

v.

FILED

FEB 29 2012

FIBERBOARD CORP., et al.

09-92640 file  
Transferor Court:  
S.D. Georgia  
91-00164

MICHAEL KUNZ, Clerk  
Dep. Clerk

L ORDER

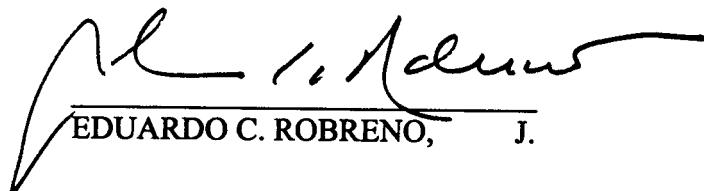
AND NOW, this 28 day of February, 2012, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby ORDERED that:<sup>1</sup>

Defendant CSX Transportation's Motion to Strike the Rebuttal Expert Report of Dr. James Millette [See Docket #23] is GRANTED. This expert report fails to directly rebut the Defendant's experts and Plaintiffs have presented no justification for a delayed expert report.

It is further ORDERED that Judge Angell's Report and Recommendation is APPROVED and ADOPTED.

BY THE COURT:

Feb. 28, 2012

  
EDUARDO C. ROBRENO, J.

\* This ruling applies to all of the cases in which Dr. Millette has been offered as a "rebuttal" expert as identified in Exhibit "A."

<sup>1</sup>No objections have been filed.

**EXHIBIT "A"**

<i>Benjamin Hill Carter, Jr.</i>	2:09-cv-74351-ER
<i>Bobby R. Carter, Sr.</i>	2:09-cv-92628-ER
<i>Jesse Ralph Carter,</i>	2:09-cv-74410-ER
<i>Orville Carter,</i>	2:09-cv-74246-ER
<i>Elmon L. Courson,</i>	2:09-cv-74337-ER
<i>Walter Lee Easton,</i>	2:09-cv-74467-ER
<i>Robert C. Ellis,</i>	2:09-cv-74484-ER
<i>Jack B. Howell,</i>	2:09-cv-92610-ER
<i>Eddie Lamorris Hyers,</i>	2:09-cv-74245-ER
<i>Warren Johnston, Jr.,</i>	2:09-cv-92657-ER
<i>Henry H. Jones,</i>	2:09-cv-92661-ER
<i>Ronald K. Regulas, Sr.</i>	2:09-cv-92660-ER
<i>Raymond L. Rosenblatt,</i>	2:09-cv-92640-ER
<i>George A. Shuman,</i>	2:09-cv-92636-ER
<i>John M. Taylor,</i>	2:09-cv-92637-ER
<i>Thomas Wilson,</i>	2:09-cv-92607-ER
<i>Roscoe Wolfe,</i>	2:10-cv-60978-ER